

REMARKS

Claims 1-8 and 12 are pending in the application. The Examiner indicates that claims 7, 8 and 12 are allowed. Claim 1 is canceled herein. Claims 2-4 are amended. Claims 2-8 and 12 remain for consideration.

Claim Rejections – 35 USC §103

The Examiner rejects claims 1-6 and 9 as being unpatentable over Chien (U.S. Patent No. 5,871,271) and further in view of Romano (U.S. Patent No. 3,963,917). The Examiner states that:

Chien discloses the claimed invention except for the recitation of the translucent windows comprising protrusions. Chien discloses a protective shell defining an inside surface and an outside surface (1,33) an outer shell in communication with said outside surface of said protective shell (33); a plurality of lamps adapted to emit light through said outer shell (17, fig 2); wherein each of said plurality of lamps are beneath an outside surface of said protective shell (as shown in figure 1, groove/space 4 in the protective shell accommodates LED 17 and the optical device encapsulating it 18. Since the light source 17 is flush with the outer surface of the protective shell by means of the optical device 18, the light source 17 is considered to be located beneath the outer surface of the protective shell); a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps (10); a motion detecting switch in communication with said lamps such that upon movement of said motion detecting switch (41), electrical power is supplied to least one lamp of said plurality of lamps for a predetermined period of time and wherein said outer shell is provided with a plurality of translucent windows through which said

lamps emit light (35). Romano discloses a light source on a helmet with a transparent bulb like protrusion made of a shatter resistant material to protect the bulb harsh exterior elements. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to substitute each translucent windows in the helmet of Chien for a transparent protrusion as taught by the helmet of Romano since Romano teaches that such a bubble like protrusion (12) is purposeful for withstanding rough treatment from environmental conditions so that the light source may be protected from these conditions.

- Chien discloses a flasher module having a plurality of programs (col, 7 lines 1-27);
- The power supply comprises a battery;
- The plurality of lamps are LEDs (Chien);
- A first program turns on all the lamps for a predetermined period of time.
- With regards to the second program initiating the light sources to flash in a random manner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement such a program in the device of Chien since Chien provides for a multitude of controlling means for initiating a sequence of flashing of the light device and flashing the lighting devices randomly would be purposeful for an aesthetically pleasing effect of the helmet;
- The plurality of lamps are beneath an outside surface of the protective shell.

Claim 1 is canceled.

Claims 2-4 are amended to depend from allowed claim 12. Claims 2-4 are submitted to be patentable for at least this reason.

Claims 5 and 6 now depend indirectly from allowed claim 12 and are submitted to be patentable for at least this reason.

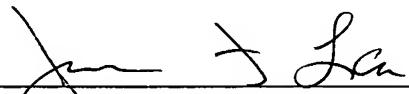
Claim 9 was canceled in a previous Response to Office Action.

Considering the foregoing, it is sincerely believed that this case is in condition for allowance, which is respectfully requested.

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

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